

REMARKS

In the Office Action the Examiner noted that claims 1-12, and 14-15 are pending in the application, and the Examiner rejected all claims. By this Amendment claims 1-12 and 14-15 have been amended. No new matter has been presented. The Examiner's rejections are traversed below, and reconsideration of all rejected claims is respectfully requested.

Entry of Amendment Under 37 C.F.R. §1.116

The Applicant requests entry of this Rule 116 Response because: the amendments were not earlier presented because the Applicant believed in good faith that the cited references did not disclose the present invention as previously claimed; the amendments of the amended claims should not entail any further search by the Examiner since no new features are being added and no new issues are being raised; and the amendments do not significantly alter the scope of the claim, and place the application at least into a better form for purposes of appeal. No new features or new issues are being raised.

The Manual of Patent Examining Procedures sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Moreover, Section 714.13 sets forth that "the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

Claim Rejections Under 35 USC §112

In item 5 on pages 2-4 of the Office Action the Examiner rejected claims 1 and 14 under 35 U.S.C. §112, second paragraph. The Examiner alleged that that these claims are indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention.

The Applicants respectfully note that claim 14 does not recite the language as cited by the Examiner.

Regarding claim 1, by this Amendment, claim 1 has been amended and no longer includes most of the language rejected by the Examiner. However, as to the Examiner's allegations regarding "receiving....at least one of the plurality of advertising information", the Applicants respectfully submit that the Examiner has mischaracterized the limitations of "at least one" being contradicted by other recited features of claim 1. To wit, the Examiner stated that "at least one" means that only "one" is possible, and that the recording operation recites "a plurality of advertising information". The Applicants respectfully submit that there is no contradiction in these terms because, as described in the specification, multiple advertising information may be recorded for each resource identification information, and this multiple advertising information may come from multiple sources. In other words, different advertising computers may supply different advertisements, and therefore one of these supplying computers is capable of supplying only one, or more than one, of the plurality of advertisements correlative recorded for the resource. The Applicants respectfully submit that these recited features are not contradictory, and further are not contradicted by the traversals of the previous Amendment cited by the Examiner. To wit, the traversals by the Examiner state, "However, in at least one described embodiment enabled by the features recited in claim 1, a plurality of advertising information, which may include an advertisement for an owner of the resource being used by the first user as well as a product recommended by that owner, is recorded and chosen from to be displayed to the second user." Thus, the Applicants respectfully submit that these recited features of claim 1 are not indefinite.

Therefore, the Applicants respectfully request the withdrawal of the Examiner's §112, second paragraph rejections of claims 1 and 14.

Claim Rejections Under 35 USC §103

In item 8 on pages 5-7 of the Office Action the Examiner rejected claims 1-4, 9, 10, 12, and 14-15 under 35 U.S.C. §103(a) as being unpatentable over Recommend-it (a set of documents cited by the Examiner) in view of U.S. Patent Application Publication No.2002/0026353, issued to Porat et al. (hereinafter referred to as "Porat"). The Applicants respectfully traverse the Examiner's rejections of these claims.

Claim 1, as amended, recites "receiving from the first computer and broadcasting to the second computer the status of the first user, the broadcasting to the second computer being performed in response to a request by the second user for the status of the first user." Support for the amendments to this claim can be found throughout the specification, particularly at least

in lines 21-24 of page 25. The Applicants respectfully submit that none of the cited references disclose or suggest at least these features of claim 1.

Recommend-it merely describes a system wherein a first user is able to recommend a website to a second user by causing a recommendation email to be sent to the second user. However, regardless of whether one could characterize this visit history as a user status, the second user has no input as to whether the email is sent recommending the website visited by the first user. Rather, the first user makes the request for the email to be sent. This is also in direct contrast to claim 1 of the present application, in which the second user requests the status of the first user.

Therefore, Recommend-it does not disclose at least the features of claim 1 discussed above. Further, as Porat apparently merely discloses sending buddy emails recommending a particular page which then includes a plurality of image data, Porat does not cure the deficiencies of Recommend-it in regard to claim 1. Therefore, it is respectfully submitted that claim 1 patentably distinguishes over the cited references.

Regarding the Examiner's allegation that the Applicants have not properly traversed the Official Notice taken by the Examiner, the Applicants maintain that the Examiner has still not provided any evidence, as required by MPEP 2144.03(B) ("there must be some form of evidence in the record to support an assertion of common knowledge"), for the taking of Official Notice, and therefore the traversal of same by the Applicants is adequate and proper.

Claims 2, 9-10, 12, and 14-15, as amended, all recite similar features to those discussed in regard to claim 1, and which are not disclosed or suggested by the cited references. Therefore, it is respectfully submitted that claims 2, 9-10, 12, and 14-15 also patentably distinguish over the cited references.

Claims 3-4 depend from claim 2 and include all of the features of that claim plus additional features which are not disclosed or suggested by the cited references. Therefore, it is respectfully submitted that claims 3-4 also patentably distinguish over the cited references.

In item 9 on page 7 of the Office Action the Examiner rejected claims 5-8 and 11 under 35 U.S.C. §103(a) as being unpatentable over Recommend-it and Porat, in view of U.S. Patent No. 5,794,210, issued to Goldhaber et al. (hereinafter referred to as "Goldhaber"). The Applicants respectfully traverse the Examiner's rejections of these claims.

As previously discussed in this Amendment, claim 2 patentably distinguishes over Recommend-it and Porat. Further, as Goldhaber apparently merely discloses doling out awards

based on access to ads, Goldhaber does not cure the deficiencies of Recommend-it and Porat regarding claim 2 of the present application. Therefore, as claims 5-8 depend from claim 1 and include all of the features of that claim plus additional features which are not disclosed by the cited references, it is respectfully submitted that claims 5-8 also patentably distinguish over the cited references.

Claim 11, as amended, recites similar features to those discussed in regard to claim 1, and which are not disclosed or suggested by the cited references. Therefore, it is respectfully submitted that claim 11 also patentably distinguishes over the cited references.

Summary

In accordance with the foregoing, claims 1-12 and 14-15 have been amended. No new matter has been presented. Thus, claims 1-12 and 14-15 remain pending and under consideration.

There being no further outstanding objections or rejections, it is respectfully submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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